

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - X  
UNITED STATES OF AMERICA, : 14-CR-00105(MKB)  
-against- :  
JORGE ESTRADA-TEPAL, RICARDO : United States Courthouse  
ESTRADA-TEPAL AND VICTOR : Brooklyn, New York  
ESTRADA-TEPAL, :  
Defendants. : Tuesday, December 15, 2015  
: 10:30 a.m.  
- - - - - X

TRANSCRIPT OF CRIMINAL CAUSE FOR SENTENCING  
BEFORE THE HONORABLE MARGO K. BRODIE  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

For the Government: ROBERT L. CAPERS, ESQ.  
United States Attorney  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201  
BY: TARYN A. MERKL, ESQ.  
MELODY WELLS, ESQ.  
Assistant United States Attorneys

For the Defendant:  
Jorge Estrada-Tepal ADAM D. PERLMUTTER, ESQ.  
260 Madison Avenue, Suite 1800  
New York, New York 10016

For the Defendant:  
Ricardo Estrada-Tepal JOHN S. WALLENSTEIN, ESQ.  
1100 Franklin Avenue, Suite 100  
Garden City, New York 11530

For the Defendant:  
Victor Estrada-Tepal RICHARD B. LIND, ESQ.  
880 Third Avenue, 13th Floor  
New York, New York 10022

Court Reporter: SHERRY J. BRYANT, RMR, CRR

Also Present: ROSA OLIVERA, SPANISH INTERPRETER  
SPECIAL AGENT CHRISTOPHER DAVIES, HSI  
LYNLY EYGES, VICTIM ADVOCATE

Proceedings recorded by mechanical stenography, transcript  
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1 (In open court.)

2 (Defendants present.)

3 COURTROOM DEPUTY: This is criminal cause for  
4 sentencing in Docket Number 14-CR-105, USA versus Jorge  
5 Estrada-Tepal, Ricardo Estrada-Tepal, Victor Leonel  
6 Estrada-Tepal. Spanish interpreter already sworn. Counsel,  
7 one at a time please state your name for the record.

8 MS. MERKL: Good morning, Your Honor. Taryn Merkl  
9 for the United States. With me is Melody Wells and Special  
10 Agent Christopher Davies of the Department of Homeland  
11 Security, Homeland Security Investigations.

12 THE COURT: Good morning, everyone.

13 MR. PERLMUTTER: Good morning, Your Honor. For  
14 Jorge Estrada-Tepal, Adam Perlmutter. My client is seated to  
15 my right.

16 THE COURT: Good morning, Mr. Perlmutter. Good  
17 morning Mr. Jorge Estrada-Tepal.

18 DEFENDANT JORGE ESTRADA-TEPAL: Good morning.

19 MR. WALLENSTEIN: Good morning, Your Honor. John  
20 Wallenstein for Ricardo Estrada-Tepal. Ricardo is in the  
21 center of the three defendants here.

22 THE COURT: Good morning, Mr. Wallenstein, and good  
23 morning, Mr. Ricardo Estrada-Tepal.

24 DEFENDANT RICARDO ESTRADA-TEPAL: Good morning.

25 MR. LIND: Good morning, Judge. Richard Lind for

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1 Victor Estrada-Tepal, who is seated right next to Mr.  
2 Wallenstein in the blue uniform.

3 THE COURT: Good morning, Mr. Lind, and good  
4 morning, Mr. Victor Estrada-Tepal.

5 DEFENDANT VICTOR ESTRADA-TEPAL: Good morning.

6 THE COURT: We're here for sentencing today in this  
7 matter and before I get started I want to, one, accept your  
8 guilty pleas and then discuss all the documents that I have in  
9 my possession to make sure I'm not missing any document. If  
10 the interpreter needs me to slow down at any point, please  
11 tell me and I will do so.

12 So I have Mr. Jorge Estrada-Tepal's guilty plea from  
13 January 15th, 2015, which was before Magistrate Judge Levy,  
14 and he pled to the second superseding indictment, Counts One  
15 and Two, sex trafficking conspiracy and trafficking of Jane  
16 Doe #1. I've reviewed the plea allocution of Mr. Jorge  
17 Estrada-Tepal and I find it to be a voluntary and knowing plea  
18 and that there is a factual basis for the plea, and so I  
19 accept his plea of guilty to Count One and Count Two of the  
20 superseding indictment.

21 Mr. Victor Estrada-Tepal pled guilty on January 13,  
22 2015, before Magistrate Judge Levy to Counts One and Five.  
23 I've reviewed his plea allocution also and find it to be  
24 voluntary and knowing and that there is a factual basis for  
25 the plea and I, therefore, accept his plea of guilty to those

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1 two counts of the superseding indictment.

2 I've reviewed Mr. Ricardo Estrada-Tepal's plea which  
3 took place on January 14th, 2015, before Magistrate Judge Levy  
4 also, and he pled guilty to Counts One and Four of the  
5 superseding indictment. I've reviewed his plea allocution and  
6 find it to be voluntary and knowing and that there is a  
7 factual basis for the plea and I, therefore, accept his guilty  
8 plea also.

9 What I have before me is a presentence report for  
10 each defendant. As to Jorge Estrada-Tepal, it's dated July  
11 22nd, 2015; as to Victor Estrada-Tepal, it's dated June 17,  
12 2015; and as to Ricardo Estrada-Tepal, it's dated June 5th,  
13 2015.

14 In addition to the presentence reports, I also have  
15 two addenda to the PSR for Jorge: One filed on September 11,  
16 2015, dealing with objections from the defendant; and one  
17 filed on November 30th, 2015, addressing the government's  
18 objections. As to Victor Estrada-Tepal, I also have an  
19 addendum to the PSR that was filed on September 11th, 2015.  
20 And as to Ricardo Estrada-Tepal, I have an addendum that was  
21 filed on November 25th, 2015.

22 I also have sentencing memoranda from each  
23 defendant. On behalf of Jorge, it was filed on September 4th  
24 of 2015; on behalf of Victor, filed on September 10th of 2015;  
25 and on behalf of Ricardo, filed on September 10th, 2015.

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1           I have a letter from the government filed on  
2 September 14, 2015, as to all defendants.

3           In addition, I have documents, statements from  
4 several victims. On September 10, 2015, counsel for Jane Doe  
5 #3 gave an affidavit of loss to the Probation Department,  
6 which I have and I have reviewed. On September 15th, 2015, I  
7 received a letter from the government which enclosed a  
8 September 8th, 2015, letter from Jane Doe #2. And on December  
9 11, 2015, I received a letter from the government enclosing an  
10 undated statement by Jane Doe #1.

11           These are all the documents that I have that I've  
12 read and reviewed in preparation for the sentencing today. I  
13 also have recommendations from the Probation Department for  
14 each defendant. I've reviewed those also and I'm now going to  
15 share them with the parties.

16           MS. MERKL: Your Honor, sorry for the interruption,  
17 but I just noticed as you were speaking about the Probation  
18 Department documents that probation is not present. And I  
19 know there was a change in schedule, so I don't know if they  
20 are not here because they have a conflict or because of the  
21 change in schedule. I just wanted to alert the Court.

22           THE COURT: I'm aware they're not here. I don't  
23 know why they're not, but I don't believe they need to be here  
24 for me to move forward with the sentence.

25           MS. MERKL: I concur. I just wanted to make sure

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1 you were aware.

2 THE COURT: I'm going to give the attorneys a minute  
3 to review that and to discuss the recommendation with their  
4 client. The rest of the document contains information that is  
5 also in the probation report. But before I do, I just want to  
6 find out from the parties whether or not I'm missing any  
7 document that was filed.

8 MR. PERLMUTTER: There's nothing from Defendant  
9 Jorge Estrada-Tepal, Judge.

10 THE COURT: Okay.

11 MR. WALLENSTEIN: Your Honor, with respect to  
12 Ricardo, I believe you have everything that was submitted.

13 THE COURT: Okay.

14 MR. LIND: Judge, I believe that -- maybe I missed  
15 something, but I don't think you mentioned one document which  
16 I received and I think the government received it also. A  
17 second addendum dated November 25th.

18 THE COURT: As to your client?

19 MR. LIND: As to my client.

20 THE COURT: No, I don't have that. I only have --

21 MR. LIND: I only have one copy, Judge, but I'll  
22 hand you up my copy.

23 THE COURT: I can look it up online, Counsel.

24 MR. LIND: It's dated November 25th, 2015.

25 THE COURT: Okay. Yes, I only have the September

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1 addendum. Online, I don't have anything, Counsel. I did  
2 check last night to double-check that I've looked at all the  
3 documents, and I just had my courtroom deputy check online and  
4 I don't have a second addendum for your client.

5 Does the government have a second addendum?

6 MS. MERKL: No.

7 THE COURT: So it appears, Mr. Lind, that only you  
8 got a copy of this.

9 MR. LIND: I'm a special guy, Judge.

10 THE COURT: Was it filed online?

11 MR. LIND: I think he may have sent it to me by  
12 e-mail. I don't know how I got it, but I got it.

13 THE COURT: The probation officer?

14 MR. LIND: From the probation officer.

15 THE COURT: Okay.

16 MR. LIND: It's a response to the government's --  
17 you never saw this?

18 MS. MERKL: No.

19 MR. LIND: Do you want to read it? Why don't you  
20 read it and then give it to the judge.

21 THE COURT: Why don't I have copies made and that  
22 way the government can have a copy and the Court can have a  
23 copy. And while we do that, can the defense attorneys please  
24 take a minute to individually explain to your client what  
25 probation's recommendation as to sentence is.

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1 (Defendants confer with counsel.)

2 THE COURT: Okay. Have the attorneys had an  
3 opportunity to explain the Probation Department's  
4 recommendation to their client? Have the parties had an  
5 opportunity to explain the recommendation to their client?

6 MR. PERLMUTTER: Yes, Your Honor.

7 THE COURT: You don't have to stand, Counsel. You  
8 can stay seated.

9 MR. WALLENSTEIN: Yes, Your Honor, I've explained it  
10 to Ricardo. I am satisfied he understands it. And I asked  
11 him if he had any questions and he said no.

12 THE COURT: Okay.

13 MR. LIND: I've explained it to Victor  
14 Estrada-Tepal, Judge.

15 THE COURT: Okay. And I have reviewed the second  
16 addendum to the presentence report from Mr. Victor  
17 Estrada-Tepal. It addresses the government's objections with  
18 regard to the vulnerable victim enhancement.

19 MS. MERKL: Your Honor.

20 THE COURT: Yes.

21 MS. MERKL: Counsel for Jane Doe #1 just brought to  
22 the government's attention that Jane Doe #1 also filed an  
23 affidavit of loss with the Probation Department. And I would  
24 note, Your Honor, that in the PSRs the amounts claimed by the  
25 various Jane Does are reflected. I don't know if the actual

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1 affidavit of loss was transmitted to the Court, but the  
2 information has been transmitted to the Court within the PSR.

3 THE COURT: Correct. I have the information with  
4 regard to the loss amount for three different Jane Does, Jane  
5 Doe #1, Jane Doe #2 and Jane Doe #5, but in terms of actual  
6 letters I only have statements from Jane Does #1 and #2 in  
7 letter form, and Jane Doe #5 I believe as submitted by the  
8 Probation Department.

9 Okay. Have each of the attorneys reviewed the  
10 presentence report and various -- Mr. Lind, can you have a  
11 seat, please.

12 Have each of the attorneys reviewed with their  
13 clients the presentence report and the various addendum or  
14 addenda, as in the case of Mr. Victor Estrada-Tepal and  
15 Mr. Jorge Estrada-Tepal?

16 MR. PERLMUTTER: Yes, Your Honor.

17 THE COURT: Have you reviewed and discussed them  
18 with your clients?

19 MR. WALLENSTEIN: Your Honor, with respect to  
20 Ricardo, I have reviewed all of the documents in the case that  
21 the Court has mentioned, the PSR, the various memoranda and  
22 addenda down at the jail, with the assistance of the  
23 Spanish-speaking paralegal the Court appointed for me.

24 THE COURT: Okay.

25 MR. LIND: Judge, with respect to Victor

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1 Estrada-Tepal, I've gone over the PSR, my letter, our  
2 objections, the government's response, the two addenda. So  
3 I've gone over all those documents with my client.

4 MR. PERLMUTTER: The same for Jorge Estrada-Tepal,  
5 Judge.

6 THE COURT: Okay. In terms of the calculation of  
7 the advisory guideline, I appreciate that the government's  
8 calculation is different in the plea agreement offered to the  
9 defendants from that of the Probation Department, and that  
10 seems to be driven mostly by the fact that the Probation  
11 Department included a full level enhancement for vulnerable  
12 victim, which is objected to by Mr. Victor Estrada-Tepal.

13 MR. LIND: Judge, just a minor correction. It's a  
14 two-level enhancement.

15 THE COURT: Two-level enhancement, you are correct,  
16 Counsel.

17 Would the parties like to be heard further on that?  
18 I reviewed your objection to that. I've also seen the  
19 government's letter with regard to its position, and I  
20 reviewed the addendum by the Probation Department as to your  
21 client.

22 MR. LIND: Judge, I just don't think -- it's an  
23 interesting question, but I don't think that these clients  
24 fall within the category of unusually vulnerable victims, and  
25 I don't think it's appropriate here and I think that the

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1 government is even more forceful in this situation than my  
2 letter was.

3 THE COURT: Well, the government's argument is very  
4 different from yours. As I understand your argument, you are  
5 saying that these victims are, in fact, not vulnerable  
6 victims. The government's position is that they are  
7 vulnerable victims, but that with regard to the particular  
8 victim for which your client received an enhancement he didn't  
9 sufficiently interact with that victim, so they're not  
10 prepared to prove up that, in fact, he's responsible and  
11 should receive that enhancement.

12 Is that the government's position, as I understand  
13 it?

14 MS. MERKL: That's fair, Your Honor. And with  
15 regard to the second victim as to which Mr. Victor  
16 Estrada-Tepal is responsible for, she's identified in the  
17 indictment as Jane Doe #5 and, as the Court knows, she was a  
18 codefendant in this case. She was the woman who Mr. Victor  
19 Estrada-Tepal was married to and brought to this country as a  
20 minor. So we are not in a position to present her testimony.

21 THE COURT: Understood. But isn't Victor also  
22 attributed with having engaged in some unlawful conduct as to  
23 Jane Doe #2?

24 MS. MERKL: Yes, Your Honor. And as to that victim,  
25 the Court's summary of our position is accurate. I just was

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1 amplifying as to Jane Doe #5.

2 THE COURT: Okay. So, Mr. Lind, I reject your  
3 argument that these victims are not vulnerable. It is very  
4 clear to me that they are, for all of the reasons stated in  
5 the PSR. They are poor, uneducated women who were taken  
6 advantage of by the defendants and brought to the United  
7 States, isolated away from their family. They fall within the  
8 definition of vulnerable victim.

9 As to the government's position that as to Jane Doe  
10 #2 your client didn't have sufficient interaction maybe to  
11 realize her vulnerability, I reject that also. The facts in  
12 the PSR and Jane Doe #2's letter support that she interacted  
13 with Victor frequently and that she specified as to at least  
14 one incident involving Victor.

15 I don't see how Victor could have interacted with  
16 Jane Doe and not recognized her vulnerability, and so I'm  
17 rejecting both your arguments, your argument and that of the  
18 government, and I'm finding that this enhancement does apply  
19 to your client.

20 I don't believe there are any other objections to  
21 the calculation other than the government asking me to rely on  
22 the calculation as set forth in their plea agreement.

23 MR. LIND: I think, Judge, my recollection of the --  
24 this is Richard Lind for Mr. Victor Estrada-Tepal.

25 My recollection is that the government -- that the

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1 parties agreed to a one-point reduction for a global plea,  
2 which is a significant factor here --

3 THE COURT: Correct.

4 MR. LIND: -- among all defendants.

5 THE COURT: I'm going to go through that, Counsel.  
6 I'm just asking whether or not there are any further  
7 objections to the calculations by the Probation Department.

8 MR. LIND: I have none.

9 THE COURT: Okay. As to each defendant, first Jorge  
10 Estrada-Tepal, according to the Probation Department, the  
11 total offense level is a 38. I believe they did not account  
12 for the one-point global disposition that the government  
13 agreed to. Is that accurate, Counsel?

14 MS. MERKL: It is.

15 MR. PERLMUTTER: That is correct, Judge.

16 THE COURT: So as to Jorge, that's reduced by one  
17 level. So that's level 37. He has no criminal history point,  
18 a Criminal History Category of I. Level 37 corresponds to a  
19 guideline range of 210 to 261 months, and there's also a  
20 supervised release term of five years to life. In addition,  
21 the fine range is 20,000 to 200,000 and there's a \$200 special  
22 assessment.

23 Is there any objection to that?

24 MR. PERLMUTTER: No, Your Honor.

25 THE COURT: By the government?

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1 MS. MERKL: No objection.

2 THE COURT: As to Victor Estrada-Tepal, the PSR  
3 indicates that it is a level 38 total offense level. With a  
4 one-point reduction, that's also a level 37. Zero criminal  
5 history points classified into a Criminal History Category of  
6 I and a guideline range of 210 to 261 months, supervised  
7 release term of five years to life, and a fine range of 20,000  
8 to 200,000.

9 Is there any objection to that other than your  
10 stated objection with regard to the two-level enhancement for  
11 vulnerable victim, Mr. Lind?

12 MR. LIND: No, Judge.

13 MS. MERKL: No, Your Honor.

14 THE COURT: And as to Ricardo, the PSR indicates  
15 that it's a total offense level of 36. With a one-point  
16 reduction for global disposition, that's a level 35. Zero  
17 criminal history points resulted in a Criminal History  
18 Category of I and a corresponding guideline range of 168 to  
19 210 months. There's also a supervised release term of five  
20 years to life and a fine of 20,000 to 200,000.

21 Is there any objection to that?

22 MR. WALLENSTEIN: Judge, I don't believe that I  
23 filed a formal objection to the vulnerable victim enhancement  
24 which the government does not seek as to Ricardo.

25 THE COURT: You did not, but it is in the PSR.

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1                   MR. WALLENSTEIN: I understand that. That puts him  
2 at 36. Without that, it puts him at 34, which would be  
3 reduced to 33.

4                   THE COURT: Are you now filing --

5                   MR. WALLENSTEIN: I am now joining in the  
6 government's objection.

7                   THE COURT: So the basis for your objection as to  
8 Ricardo with regard to vulnerable victim?

9                   MR. WALLENSTEIN: Is that the government does not  
10 have any evidence of their vulnerability as to Jane Does #2  
11 and 3 other than ages and backgrounds, as the government's  
12 memorandum indicates. So I join in that argument, and I also  
13 point out that we did not believe that that was warranted or  
14 contemplated by the guilty pleas.

15                   THE COURT: Ms. Merkl?

16                   MS. MERKL: Your Honor, I'm just double-checking.  
17 As set forth in our sentencing submission, we do believe that  
18 Ricardo was knowledgeable regarding the unusual  
19 vulnerabilities of Jane Doe #1, who is certainly part of the  
20 conspiracy underlying the conduct, and that's detailed at  
21 pages 11 to 12 of our letter.

22                   And we're in no way seeking a sentence beyond the  
23 guideline range estimated in our plea agreement, which was  
24 effectively 180 months, based on our estimate of the guideline  
25 range. But notwithstanding that, we do believe that Ricardo

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1 was in a position to have knowledge of the vulnerabilities of  
2 at least one of the victims, if not more.

3 THE COURT: And if I understand correctly, isn't  
4 Ricardo responsible for recruiting Jane Doe #2?

5 MS. MERKL: Yes.

6 THE COURT: Okay. So, Counsel, there's no factual  
7 support for your argument here that the two-level enhancement  
8 should not apply to Ricardo with regard to vulnerable victims.  
9 He personally recruited Jane Doe #2. I don't think you're  
10 arguing that Jane Doe #2 was not a vulnerable victim.

11 MR. WALLENSTEIN: I am not.

12 THE COURT: So your application for a reduction  
13 based on the two level for vulnerable victim is rejected, and  
14 so the guideline for Mr. Ricardo Estrada-Tepal is as I  
15 calculated.

16 MR. WALLENSTEIN: I have no other objection to that  
17 guideline calculation.

18 THE COURT: Okay. Are there any other objections by  
19 anyone else?

20 MS. MERKL: No, Your Honor. One other just  
21 housekeeping matter. I think that we just wanted to clarify  
22 that the restitution figures for 1, 2 and 5 are set forth in  
23 the probation reports, but Your Honor also noted that you had  
24 received the affidavit of loss as to Jane Doe #3 when you were  
25 going through the full volume of documents before the Court.

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1 So I just wanted to make sure --

2 THE COURT: Let me confirm. What I have and the  
3 restitution amount that I have is as stated in the probation  
4 report, which is 1,020,075, and that is broken down as to  
5 \$864,000 for Jane Doe #1, \$5,275 for Jane Doe #2, and \$150,800  
6 for Jane Doe #5.

7 MS. MERKL: And in addition, Jane Doe #3 had filed  
8 an affidavit of loss, and I think that was not ever  
9 incorporated into an addendum.

10 THE COURT: Okay. Do you have a copy of that,  
11 Counsel?

12 MS. MERKL: I believe I do. The Court also noted  
13 that you had it.

14 THE COURT: I may have misspoken. What I did note  
15 is what was in the PSR. Yes. I believe, was that the  
16 affidavit of loss given to probation? That's victim number 3,  
17 not 5. Let me double-check the PSR.

18 MS. MERKL: I think the disconnect is that Jane Doe  
19 #3's information is not included in the PSR.

20 THE COURT: Okay. So what I have is the information  
21 that's in the PSR. I see. So that is the information for  
22 \$13,261?

23 MS. MERKL: Yes. That's a separate affidavit of  
24 loss.

25 THE COURT: So then the calculation for restitution

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1 purposes will be \$1,033,336, including the 13,261 from Jane  
2 Doe #3?

3 MS. MERKL: Thank you, Your Honor.

4 THE COURT: I'm asking the parties if that is  
5 accurate.

6 MS. MERKL: I believe it is.

7 THE COURT: Is there any objection from the  
8 defendants as to the restitution amount for each of these  
9 victims?

10 MR. PERLMUTTER: No, Your Honor.

11 MR. WALLENSTEIN: No, Your Honor.

12 MR. LIND: No, Judge.

13 THE COURT: Okay. So in addition to the guidelines  
14 calculation, the supervised release term and the fine, I also  
15 make the finding that the total restitution amount is  
16 \$1,033,336. The breakdown is as follows: Jane Doe #1,  
17 \$864,000; Jane Doe #2, \$5,275; Jane Doe #3, \$13,261; and Jane  
18 Doe #5, \$150,800, for a total of \$1,033,336. That is my  
19 finding as to the calculation of the advisory guideline range.

20 Supervised release term; restitution, which is  
21 mandatory; and in addition, each defendant is responsible for  
22 a \$200 special assessment, \$100 for each count that they pled  
23 guilty to.

24 Now, turning to the 3553(a) factors, I'm required to  
25 and I have considered them, including the advisory guideline,

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1 to ensure that I impose an appropriate sentence that is  
2 sufficient but not greater than necessary.

3 In addition to the guidelines statements, I must and  
4 I've also considered the nature and circumstances of the  
5 offense as well as the history and characteristics of each  
6 defendant.

7 As I mentioned earlier, I do have victim statements.

8 Ms. Merkl, are there any victims here who would like  
9 to address the Court today?

10 MS. MERKL: Your Honor, I believe there is one  
11 victim advocate who wanted to read the letter that was  
12 submitted to the Court on Friday. It's on behalf of Jane Doe  
13 #1. This is her attorney who has been representing her for  
14 immigration purposes in connection with her situation.

15 THE COURT: You can come forward, Counsel.

16 MR. PERLMUTTER: Your Honor -- this is just to read  
17 the letter that's been submitted already?

18 MS. MERKL: Correct.

19 MR. PERLMUTTER: Judge, I object to that. The Court  
20 has the letter. I don't think we have to burden the record  
21 further with it.

22 THE COURT: Your objection is overruled. This is a  
23 sentencing hearing and the victim has a right to speak. And  
24 although I have the letter, the victim's counsel, who is the  
25 victim's advocate and representative, has the right to present

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1 the statement orally on behalf of the victim.

2 You may come forward and do so.

3 MS. EYGES: Thank you, Judge. Lynly Eges on behalf  
4 of victim 1, Urban Justice Center.

5 THE COURT: You'll have to speak slowly so that the  
6 court reporter can take down what you're saying. Please  
7 proceed, Counsel.

8 MS. EYGES: Thank you, Judge.

9 Dear Judge, I'm writing this letter to you so that  
10 you know what my life was like when Jorge was forcing me into  
11 prostitution.

12 THE INTERPRETER: The interpreter requests that the  
13 attorney read more slowly and loudly, please.

14 THE COURT: Do you have a copy of that letter,  
15 Counsel? Can you provide a copy to the interpreter?

16 THE INTERPRETER: Thank you, Your Honor.

17 MS. EYGES: Dear Judge. I am writing this letter to  
18 you so that you know what my life was like when Jorge was  
19 forcing me into prostitution and you keep what he did to me in  
20 mind when you sentence him. That time with Jorge was  
21 horrible.

22 THE COURT: Go slower, Counsel.

23 MS. EYGES: And I still have nightmares about him.  
24 From 2007 to 2011, Jorge forced me to work in prostitution. I  
25 want to go through a typical day for you so that you can

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1 understand what my life was like for those four years, because  
2 almost every single day was the same.

3 THE COURT: Put the mic in front of you. Okay.

4 MS. EYGES: While I was with Jorge, I worked nearly  
5 every single day. On weekdays I usually had to work the day  
6 shift, and on weekends I usually had to work the night shift.  
7 A day shift started at 10 a.m. On those days, I would wake up  
8 at 9 a.m. usually feeling sick, knowing the day that was ahead  
9 of me.

10 Jorge used to leave me a number to call for a car to  
11 come and pick me up. After I woke up, I would call the number  
12 that Jorge had left me. I would shower. I would try to clean  
13 up the room I was living in. This usually didn't leave much  
14 time for breakfast, so I would try to eat something in the  
15 car.

16 The car arrived at 10 a.m. I would get in and  
17 immediately feel scared. I didn't want to be in the car. I  
18 didn't want to go where I knew the car was taking me. I was  
19 scared because one of the first weeks that I worked in the  
20 United States, I was attacked by a client. He put a knife to  
21 my face. I fought back and I got away from him, but my money  
22 and cell phone were left there with the client. The man  
23 wanted to hurt me. I told Jorge about what happened, but he  
24 made me go back to work right after the man attacked me.

25 Sitting in the car, I was scared something like that

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1 would happen to me again. I also felt sad. I didn't want to  
2 go to these places. I didn't want to be doing prostitution.  
3 Sometimes I would think about how I ended up here. But the  
4 fear of Jorge and what he would do to me and my daughter would  
5 get me out of the car and into a client's home.

6 During the weekdays, I saw between 12 and 14 clients  
7 every day. On the weekends, I saw about 20 clients. When I  
8 was in the room alone with the client, I had to do whatever he  
9 wanted. In the back of my mind, I would think if I didn't  
10 bring home enough money, Jorge will be angry. And some of the  
11 things I had to do with those men still make me feel sick when  
12 I think about it. But I had no choice, because I was  
13 terrified of Jorge.

14 Almost all of the four years I was with Jorge in the  
15 United States, I was forced to work seven days a week.  
16 Weekdays started at 10 a.m. and lasted until 9 p.m., weekends  
17 started at 8 p.m. and lasted until 4 a.m.

18 When it was that time of the month, I would usually  
19 plead with Jorge about taking a day or two off because working  
20 during that time felt especially bad, but he always said no.  
21 He would give me a household sponge, the type of sponge you  
22 would use to clean dishes with, and he would tell me to put it  
23 up there to stop the bleeding so I could still work. So I  
24 did, every month seeing so many men every day. I felt  
25 disgusting having to take out those sponges. My body hurt.

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1           Once my day was over, the driver would drop me off  
2 at home. If Jorge was there, I had to give him all my money.  
3 If he wasn't, I left it out for him. While in the car, I  
4 would pray that Jorge wasn't drinking because he was more  
5 violent when he was drinking. Sometimes Jorge was not home  
6 when I got there. On those days, I would have some food and  
7 go to sleep.

8           If Jorge was home, I was always tense trying to do  
9 whatever I could not to make him angry. I felt like during  
10 those four years in the United States with him, I was spending  
11 most of my time trying not to make him angry.

12           Jorge would get angry with me if I didn't make  
13 enough money or if I told him I didn't want to do prostitution  
14 anymore. When Jorge was angry, he would become violent. He  
15 would destroy the room, punching the walls, throwing things,  
16 slapping me, giving me bloody noses. It's hard to remember  
17 those times and all of the things he did. I lived in fear.

18           Aside from hurting me, he would threaten me by  
19 saying he would hurt my children. He would tell me that if I  
20 didn't want to work then his son would put my daughter into  
21 prostitution in Mexico and then bring her here to the U.S. My  
22 daughter was young. The thought of her doing prostitution was  
23 one of the most horrible thoughts for me.

24           Jorge also got angry when I got pregnant. I got  
25 pregnant three times while Jorge was forcing me into

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1 prostitution. The last time I got pregnant, I escaped Jorge  
2 and had a beautiful baby whom I love very much. I escaped to  
3 keep him safe.

4 The other two times, I knew I was late for that time  
5 of the month and I took pregnancy tests. They came out  
6 positive. I told Jorge that I was pregnant. I wanted to keep  
7 the baby. Both times he got very angry. He got very scary  
8 and violent. When he calmed down, he told me that I couldn't  
9 have it. He said that if I had the baby, I wouldn't be able  
10 to work. He said that we needed the money.

11 I always pleaded with him to let me keep the baby.  
12 He would then get angry again, throwing things, slapping me.  
13 He also told me he would put my daughter to work. He would  
14 then calm down again and give me some tea and tell me to drink  
15 all of the tea and then hand me some pills to take. I knew  
16 the tea and the pills were going to give me an abortion. I  
17 was scared of that and I didn't want it, but I was more scared  
18 of Jorge, of what he would do if I didn't drink the tea.

19 The next 24 hours or so were very painful. My  
20 stomach cramped so bad and I started to bleed. It felt like  
21 it didn't want to come out. I wanted to go to the doctor, but  
22 Jorge said no. He said they would ask questions. I told him  
23 that I needed to go to the doctor, but he refused. It was  
24 horrible and so painful. I didn't want to drink the tea, but  
25 I felt like I had no choice.

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1           The last time I got pregnant was the time I found  
2 the courage to escape. Jorge had been in Mexico and I had met  
3 someone else who I cared about and I got pregnant with his  
4 child. That man gave me the courage and the support to  
5 escape. When Jorge found out I was pregnant, he insinuated I  
6 would have to get an abortion, and I knew I couldn't do that  
7 again.

8           Since escaping Jorge, I feel like I have been living  
9 in hiding from him. I have been scared for my safety and for  
10 my family's safety.

11           After I found out that Jorge pled guilty, I tried to  
12 let go of all the things Jorge did to me and all of the bad  
13 things he made me do. I actually wasn't planning on writing a  
14 letter to the Court, but something happened which changed my  
15 mind.

16           When I was in Mexico, Jorge tricked me into marrying  
17 him. I thought he loved me, but I think the whole time he  
18 planned on making me do that type of work. Since escaping, I  
19 have wanted to get a divorce, but I have been too scared to go  
20 to court. I now feel safer asking the Court for a divorce,  
21 but in order to do that first I have to show the Court that  
22 Jorge is not the father of my child, because we were legally  
23 married when my baby was conceived.

24           I know Jorge is not the father and he knows it, and  
25 I have been told that Jorge has stated in his sentencing

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1 papers that he is not the father of my child. My attorney  
2 spoke to his attorney and his attorney stated that Jorge was  
3 out of the country during the possible time my baby was  
4 conceived.

5 But now Jorge is telling the family court judge that  
6 he could be the father and he wants a blood test. Twice he  
7 claimed to the family court judge he could be the father of my  
8 child. He has done this even though my attorney told me that  
9 in the papers he has given the Court he says he's not the  
10 father.

11 I can't believe after everything he has done to me  
12 that he is still trying to harass me and control me, even from  
13 jail. He knows he could not be the father, but he isn't  
14 willing to leave me alone. That's why I wrote this statement.  
15 He's not going to stop harassing me. I will only be safe when  
16 he is in jail.

17 I still have nightmares about Jorge where I wake up  
18 screaming. After the nightmares, I'm scared to leave the  
19 house and I fear that he is going to find me. What he did to  
20 me for all of those years, what he forced me to do, I carry  
21 with me every day. All of those years, all of the men I had  
22 to be with. And now he is still trying to make my life  
23 harder. He won't let me live in peace. He is still angry I  
24 escaped him and he is punishing me the only way he can,  
25 through my son.

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1           Thank you for listening to me.

2           THE COURT: Thank you, Counsel.

3           Would the attorneys like to be heard on application  
4 of the 3553(a) factors?

5           MR. PERLMUTTER: Yes, Your Honor.

6           THE COURT: Okay.

7           MR. PERLMUTTER: Your Honor, first of all, I want to  
8 clarify something about the letter that was submitted by Jane  
9 Doe #1, because it blatantly misrepresents my discussions with  
10 her attorney and I think in a way that is highly significant.

11           What was conveyed to the attorney for Jane Doe #1 is  
12 that my client wanted a paternity test to simply rule out that  
13 there was no chance that this child was his. The dates that  
14 he was out of the country --

15           THE COURT: But you're not questioning that, in  
16 fact, he admitted to the probation officer that this child is  
17 not his child?

18           MR. PERLMUTTER: I'm not denying that, Judge. But  
19 what he wants to do is he wants to make absolutely certain  
20 through a paternity test that he's correct in that statement.  
21 He does not believe the child is his, but the overlap of when  
22 he was out of the country and when she conceived cannot  
23 completely rule out that fact, and because of that he does not  
24 want to live as an incarcerated individual with any residual  
25 belief that the child could be his.

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1           It's not an attempt to exercise control. It's not  
2 an attempt to reach beyond the jail to try to manipulate this  
3 woman. It's none of that at all.

4           THE COURT: I don't know what it is, but I do  
5 question why your client would even ask for a paternity test  
6 when, based on his reports to the probation officer, he  
7 strongly believes that this is not his child. He's admitted  
8 to other children, including one that he hasn't met or seen,  
9 but states over and over again that Jane Doe #1 got pregnant  
10 by someone else and that is not his child.

11           MR. PERLMUTTER: Because the only way he can be  
12 absolutely 100 percent certain is with a paternity test,  
13 because when he matches up the dates and he matches up his  
14 relationship with Jane Doe #1 and what may have occurred  
15 between them of a sexual nature, he cannot now be absolutely  
16 100 percent certain and he wants to be 100 percent certain  
17 that the child is not his.

18           THE COURT: Okay.

19           MR. PERLMUTTER: That's all. And I think that -- I  
20 think it needs to be clarified.

21           Judge, you know, I'm going to rest on the papers  
22 that I submitted in my memorandum in aid of sentencing, but,  
23 you know, when I -- when the pleas happened in this case, my  
24 client went last before Judge Levy. And it was a very  
25 emotional plea. It was one of those times that I regretted

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1 that the plea had actually gone to the magistrate and was not  
2 taken directly by the Article III judge, because after the  
3 proceeding Judge Levy would query that it just seemed to be an  
4 odd situation, that the reaction of each of the defendants was  
5 so emotional in taking the plea that it didn't really square  
6 up with what appeared to be on paper or in the allocution.

7           And my understanding of this -- and we prepped this  
8 case for trial -- was that my client, he came in the country  
9 with this woman. And you can even see in the statement, he's  
10 saying, you need to work because we need to make money. This  
11 was an economically-motivated crime by people misguided about  
12 their reasons for coming to the United States and engaging in  
13 conduct that we know is wrong.

14           But wherever you turn in this case, you see that,  
15 that this was an economically-motivated crime by people where  
16 the line got crossed when they were here, and Jane Doe #1 in  
17 particular did not want to continue in the activity.

18           It's interesting to note that in her description of  
19 the typical day, when she would wake up at 9:00 in the morning  
20 Jorge wasn't there, and the reason why he wasn't there is he  
21 was off working. He was off doing construction work, because  
22 the purpose of coming to America for both of them was to earn  
23 money and to send it back home, was to be able to earn money  
24 and to be able to support family and eventually return back to  
25 Mexico.

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1           There's no question that that idea was misguided and  
2 that the path was misguided and that they wandered off the  
3 path, and my client wandered off the path far more than is  
4 absolutely acceptable. I understand that. But he is a person  
5 of limited education from a place of grinding poverty and  
6 hopelessness. And he will be punished, he will be severely  
7 punished with even the mandatory minimum in this case that  
8 probation is recommending, 180 months.

9           I'm going to ask that Your Honor impose that  
10 sentence, because I think that that is the right sentence. I  
11 think that Congress has laid down mandatory minimums in this  
12 area and those mandatory minimums are sufficient but not  
13 greater than necessary to meet the ends of justice in this  
14 case. I think it's the right result. I'm going to ask that  
15 you impose that, Your Honor.

16           THE COURT: Okay. Thank you, Counsel. Counsel.

17           MR. WALLENSTEIN: Your Honor, on behalf of Ricardo  
18 Estrada-Tepal, I would join in Mr. Perlmutter's argument to  
19 the extent that it is applicable to Ricardo.

20           And I point out that in my memorandum and in the  
21 PSR, it's clear that Ricardo comes from the same place that  
22 Jorge does. They are all brothers. They come from a place in  
23 rural Mexico that is just absolutely abject poverty.

24           Ricardo has attended no more than a couple of days  
25 of school in his entire life. He speaks only a word or two of

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1 English. He is illiterate in Spanish. He cannot read. He  
2 cannot write.

3 His work history, even while here during the course  
4 of this conduct, he worked in menial jobs. He delivered food.  
5 He worked as a dishwasher. He worked in some construction.  
6 He worked every day in order to support himself and to support  
7 his wife.

8 He has a child who is residing in Mexico. That  
9 child, who is now I believe three years old, resides with the  
10 child's grandparents with whom Ricardo is in contact in order  
11 to have contact with his child. He is still in contact with  
12 his wife, who is one of the victims in this case, to the  
13 extent that he can be through her father.

14 I believe that he was brought into this conspiracy,  
15 brought into this conduct by his brothers. He is easily led.  
16 He is very, very emotional. He is very, very sorry for what  
17 he's done.

18 I think when the Court considers all of the  
19 factors -- I won't get into the offense conduct, the Court is  
20 fully familiar with that. But with respect to Ricardo's  
21 history and his characteristics, which I think are clearly  
22 important here, he is going to spend a considerable time in a  
23 prison where he is really in a strange land.

24 He is vulnerable himself in prison, because of his  
25 lack of education, because of his lack of language skills.

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1 And the mandatory minimum for him in this case is 15 years;  
2 he's aware of that. Every conversation I've had with him when  
3 I mentioned that he spent the next five or ten minutes crying.  
4 I think I probably would too, faced with that kind of time.

5 But I think that under all of the circumstances  
6 here, considering all of the factors, that 15 years is  
7 sufficient and not greater than necessary. Congress says he  
8 has to spend 15 years in prison for this crime. I don't think  
9 he should spend a day more than that. That's a very, very  
10 long time, no matter how you slice it.

11 So I would ask the Court to impose the mandatory  
12 minimum sentence and note that that is the Probation  
13 Department's recommendation, and that is within the advisory  
14 guidelines as well.

15 THE COURT: Okay. Thank you, Counsel.

16 MR. LIND: Thank you, Judge. I have a little bit of  
17 a different take than my co-counsel. Almost exactly a year  
18 ago the three of us were here in this Court being appointed to  
19 replace the second set of attorneys. And I remember the  
20 demeanor of the defendants on that day and on subsequent days  
21 when they were in court or certainly with us. They were  
22 feisty. They were truculent.

23 Look at them today, Judge. They are remorseful,  
24 they really are. And I think that what's happened over the  
25 last year was a recognition, at least by my client and I think

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1 it's the same for the other defendants, that the gravity of  
2 what they've done, and I think that started shortly after  
3 their guilty pleas here. They're changed. My client, he is  
4 very remorseful about that. I'm not saying by any means it's  
5 an excuse, but we're going forward today with what should be  
6 going on for the rest of his life or a good part of it. And  
7 he is remorseful. They are sorry about what's happened,  
8 Judge.

9 So then the question is, what's the appropriate  
10 sentence? My client's minimum is ten years, unlike the other  
11 two defendants. The probation office recommends 156 months.  
12 I think that that's an appropriate sentence in a case like  
13 this. It's certainly a significant sentence for anyone.

14 And the more important thing is, like I said, Judge,  
15 he recognized the gravity of something like this in terms of  
16 going forward. So I think that that's what I have to say on  
17 his behalf.

18 THE COURT: Okay. Thank you.

19 As to each of the defendants, you have a right to  
20 make a statement to me. It's really up to you whether you  
21 would like to do so, but if there's anything you would like me  
22 to consider before I sentence you, please feel free to address  
23 me.

24 DEFENDANT JORGE ESTRADA-TEPAL: May I start?

25 THE COURT: You may.

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1 DEFENDANT JORGE ESTRADA-TEPAL: Good morning, Your  
2 Honor. With all the respect that is your due as also with all  
3 the respect that is due the government of the United States,  
4 present in the person of Madam Prosecutor, I wanted to  
5 apologize and ask for forgiveness for this offense that  
6 perhaps because of my ignorance or my lack of resources I  
7 committed, without knowing that it showed a lack of respect  
8 for this great nation.

9 The only thing I ask is that you have consideration  
10 of me. I'm a human being and human beings typically make  
11 mistakes, and this mistake perhaps was caused by the poverty I  
12 endured in Mexico. So then, Your Honor, I ask forgiveness and  
13 I place myself in your hands and in the hands of God. Thank  
14 you very much.

15 THE COURT: Thank you, Mr. Jorge Estrada-Tepal.

16 MR. WALLENSTEIN: Judge, my client would like to  
17 address you briefly.

18 THE COURT: Okay.

19 DEFENDANT RICARDO ESTRADA-TEPAL: Good morning, Your  
20 Honor --

21 THE COURT: Good morning, Mr. Estrada-Tepal.

22 DEFENDANT RICARDO ESTRADA-TEPAL: -- and government  
23 of the United States. I would also like to ask forgiveness  
24 for the things I did. I wanted something better for my child.  
25 He's small.

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1           And unfortunately, I became involved in things that  
2 were not for me. I now realize that people who devote  
3 themselves to this have sort of like, I don't know, a gift. I  
4 tried to do it, but this didn't work and now I'm sorry. And  
5 I'm sorry for my family, for my child who sometimes goes  
6 hungry. And I thank my wife, who is here and is supporting  
7 him.

8           As I told -- I would like, as I told my in-laws,  
9 that I'm going to try really, really hard so I can go forward  
10 for the sake of my child. It's the only family I have left,  
11 because unfortunately, my parents don't exist anymore. And I  
12 want to get ahead, even being in prison. That's all. Thank  
13 you.

14           THE COURT: Thank you.

15           MR. LIND: May I have one moment, Judge?

16           THE COURT: Yes.

17           (Defendant confers with counsel.)

18           MR. LIND: Okay. Thank you, Judge.

19           DEFENDANT VICTOR ESTRADA-TEPAL: Good morning, Your  
20 Honor.

21           THE COURT: Good morning, Mr. Victor Estrada-Tepal.

22           DEFENDANT VICTOR ESTRADA-TEPAL: With all the  
23 respect that is your due, yours and this great country, I ask  
24 forgiveness for having committed this offense. As my brother  
25 said, we did it because of our poverty. We are very sorry

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1 today.

2 So, well, sometimes I have -- lack words, lack the  
3 words, but I don't -- Your Honor, I'm just asking for  
4 forgiveness and I'm sorry that I don't have a gift for words.

5 I just ask for a chance to some day be back together  
6 with my family, with my wife, so I can help her. She suffers  
7 from juvenile arthritis, and in Mexico with that illness  
8 doctor's treatments are very expensive. And this is why I  
9 would like to continue ahead, get ahead, so that I can go back  
10 with her some day and help her and support her.

11 I acknowledge that we made a great mistake, but  
12 today we are very sorry. In these 700 days of imprisonment,  
13 we are very sorry. Thank you very much.

14 THE COURT: Thank you, Mr. Victor Estrada-Tepal.

15 Would the government like to be heard?

16 MS. MERKL: Just very briefly, Your Honor. The  
17 actions of the defendants, in the government's view, speak for  
18 themselves. As detailed in the government's sentencing  
19 submission and in the PSRs, the crimes committed in this case  
20 really could not be more serious.

21 And as the Court fully appreciates, the victims who  
22 came forward and survived this conduct, their voices need to  
23 be heard in the Court's formulation of sentence. And I'm not  
24 going to belabor the point and I'm not seeking any enhancement  
25 from the guideline estimates included in the government's plea

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1 agreements, which as to Jorge Estrada-Tepal we estimated a  
2 range of 210 to 262 months; as to Victor Estrada-Tepal, we  
3 estimated a range of 168 to 210 months; and as to Ricardo, we  
4 estimated a range of just below the applicable guidelines, so  
5 an effective guideline sentence of 180 months.

6 That being said, Your Honor, in the government's  
7 view, one of the things I wanted to respond to is Mr.  
8 Perlmutter's comment regarding the demeanor of the defendants  
9 at the guilty plea.

10 The defendants were emotional during the guilty  
11 plea, but in the government's assessment of the history of  
12 this case, it is not because of the unique circumstances of  
13 their history or the facts of the case, but, rather, goes, in  
14 the government's opinion, to at that time a lack of  
15 appreciation for the seriousness of their offense conduct.

16 Perhaps the defendants have turned a corner, as Mr.  
17 Lind has argued, but the defendants in this case from the  
18 beginning, as Your Honor knows, were not fully appreciating  
19 the gravity of the process, the seriousness of the crimes with  
20 which they were charged. And at the guilty plea proceeding --  
21 this is obviously just attorneys speaking, we're not  
22 witnesses -- I don't think the demeanor of the defendants  
23 should weigh in the Court's assessment of the evidence and the  
24 3553(a) factors as they should apply here.

25 The seriousness of the offenses, the harm inflicted

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1 on the victims, and the need for punishment in these very  
2 serious cases strongly favors a sentence squarely within the  
3 guidelines range as estimated by the government. Thank you.

4 THE COURT: Thank you, Counsel. Does anyone else  
5 wish to be heard? Okay.

6 I am going to address the sentence as to each  
7 defendant separately. So I have taken into account so many  
8 things and I nevertheless found it very hard here to determine  
9 what is the appropriate sentence.

10 For Jorge Estrada-Tepal, starting with you, your  
11 attorney made a number of arguments on your behalf, including  
12 the harshness of the conditions at the MDC, your post-arrest  
13 rehabilitation and your family circumstances.

14 As to your family circumstances, it's not a basis  
15 for a departure here, because your circumstances aren't such  
16 where this child and/or the child's mother -- and I understand  
17 this to be referring to your youngest child -- are dependent  
18 on you. This is the child that you haven't met and that you  
19 are hoping to meet and form a relationship with. It doesn't  
20 satisfy the legal requirements for a departure, but certainly  
21 it is a factor that I have considered in terms of trying to  
22 fashion an appropriate sentence.

23 I have no doubt that you're remorseful, both as you  
24 argued to me today and as your attorney did in his submission.

25 As to the conditions of confinement at the MDC,

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1 where you've been for approximately 18 months, I don't find  
2 that as a basis for a departure here either. In considering  
3 that argument, I considered the presentation of Jane Doe #1,  
4 who argues that for four years she lived under very  
5 challenging circumstances that she referred to as horrible and  
6 which still give her nightmares. So, in comparing your 18  
7 months in pretrial detention at the MDC and comparing that to  
8 the four years under which Jane Doe #1 had to live, I don't  
9 find that to be a persuasive argument at all.

10 I do reflect on the seriousness of the crime here,  
11 and as I understand the crime, and counsel or Mr. Jorge  
12 Estrada-Tepal, you can correct me if I'm wrong, but it wasn't  
13 just a matter of these two individuals decided to come to the  
14 United States to make a better life in Mexico, because if that  
15 were the case and if this was, in fact, a couple who wanted a  
16 better life then Mr. Jorge Estrada-Tepal would not have forced  
17 Jane Doe #1 to engage in prostitution four years under these  
18 circumstances where she had to endure having sex with all of  
19 these men, none of whom she wanted to have sex with, every  
20 day, seven days a week, for this extended period of time.  
21 That is not conduct that someone who's in a loving  
22 relationship with an individual would engage in.

23 And so that's not the impression I get in looking at  
24 the facts. The impression I am left with is that the  
25 defendant here, yes, wanted a better life, but not for him and

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1 Jane Doe, just for himself.

2 So I took into account the seriousness of the crime.  
3 I did take into account also the fact that you have tried  
4 since your incarceration to do better. You've taken the GED  
5 program and I believe you're waiting for your results. I took  
6 into account the background of you and your brothers, the fact  
7 that you grew up in poverty with a father who was an  
8 alcoholic.

9 Taking it all into consideration and also taking  
10 what Jane Doe had to say about what she had to engage in for  
11 those four years, I concluded that a sentence within the  
12 advisory guideline range is appropriate, and so I am  
13 sentencing you to 210 months in custody.

14 In addition to all that I've mentioned, I also took  
15 into account the fact that you forced Jane Doe #1 to abort two  
16 of the pregnancies even though she didn't want to.

17 And I consider also the fact that you are now  
18 trying -- well, your attorney says you're doing it to exclude  
19 all possibility, but based on my reading of your statements to  
20 the Probation Department, it was clear to me that you deny any  
21 involvement with this child or that this child, Jane Doe #1's  
22 child is your child.

23 So it does suggest to me that by now reaching out  
24 and asserting or at least trying to determine whether, in  
25 fact, there's a possibility this could be your child that

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1 you're doing this not for any peace of mind on your part but  
2 really to continue to make Jane Doe #1 suffer more than she's  
3 had to suffer for the time that she lived with you. But I  
4 accepted your attorney's argument today that, really, you just  
5 wanted to be sure, and so that factor is neutral in my mind  
6 and ultimately didn't influence my decision here.

7 I decide that in balancing all of the factors, 210  
8 months is an appropriate sentence. It is the sentence I  
9 impose on each count, to run concurrently.

10 I'm also imposing restitution in the amount as  
11 determined to be the full amount owed to all of the victims  
12 who have identified their loss \$1,033,336, and I'm imposing  
13 that jointly and severally with Victor and with Ricardo.  
14 Restitution is due immediately and payable at a rate of \$25  
15 per quarter while you're in custody and at a rate of 10  
16 percent of gross income per month while you're on supervised  
17 release.

18 I also impose five years of supervised release, with  
19 these special conditions: You must comply with the order of  
20 restitution; you shall make full financial disclosure to the  
21 probation officer; you shall comply with the sex offender  
22 registration requirements mandated by law; and you shall not  
23 possess a firearm, ammunition or destructive device; if you  
24 are deported, you cannot reenter the United States illegally.

25 Is there a forfeiture order here, Counsel?

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1 MS. MERKL: Your Honor, there is no property to  
2 forfeit and restitution takes precedence, so we would seek  
3 restitution over forfeiture in this instance.

4 THE COURT: I know you're remorseful, Mr. Jorge  
5 Estrada-Tepal, but the crime you committed was really  
6 horrendous. I do hope that you are able to serve your time,  
7 that you continue your education, if at all possible, while  
8 you're incarcerated, and that ultimately you will get the  
9 opportunity to reunite or to unite with the son that you  
10 haven't yet met and to establish a relationship with that son.

11 Turning to Victor Estrada-Tepal, as with your  
12 brother Jorge, I took into account the fact that you were all  
13 raised under very challenging circumstances in Mexico, the  
14 fact that your father was an alcoholic, didn't really provide  
15 for the family, the fact that you left the family at 14 to  
16 work in construction, that you've always tried to be  
17 responsible, as did your brother Jorge, and tried to find a  
18 way to survive. I have no doubt that you're remorseful, as  
19 your attorney argues, and I took that into account also.

20 As to your rehabilitation efforts, I acknowledge  
21 that you have stayed out of trouble since you've been  
22 incarcerated. I don't have any record of any misbehavior on  
23 your part, but I also don't have any record of any other  
24 rehabilitative conduct other than the fact that you've been a  
25 model prisoner.

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1           I took into account, again, the nature of the crime  
2 and how serious it is and the fact that you recruited I  
3 believe it was Jane Doe #4 in this case.

4           Jane Doe #4 is his wife, correct?

5           MS. MERKL: I believe, Your Honor, that's Jane Doe  
6 #5.

7           THE COURT: Jane Doe #5, okay.

8           MS. MERKL: I'm going to double-check.

9           THE COURT: But that you got her involved in  
10 prostitution when she was still a minor, you brought her to  
11 this country and had her engage in prostitution, and then you  
12 had her assist you with the crimes and would have her instruct  
13 others on how to go about making money. I considered all of  
14 that, and ultimately I concluded that a sentence within the  
15 guideline is also appropriate for you.

16           Your attorney argues for the mandatory minimum of  
17 ten years. I don't believe that's sufficient, and so I am  
18 sentencing you to 210 months in custody. I believe it is  
19 sufficient but not greater than necessary to comply with the  
20 purpose of sentencing here. It punishes you for the crime  
21 that you committed, which is a serious crime, and in balancing  
22 all the factors it is what I believe to be an appropriate  
23 sentence.

24           MS. MERKL: Your Honor, I apologize. I misspoke.  
25 It's Count 5, but it is Jane Doe #4. My mistake.

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1                   THE COURT: I understood it to be Jane Doe #4, but I  
2 believe Mr. Victor Estrada-Tepal understands that I'm  
3 referring to his wife, who was also a defendant in this case.

4                   I am sentencing you to 210 months on each count,  
5 with the sentence to run concurrently. I impose restitution  
6 in the amount of \$1,033,336, jointly and severally with your  
7 codefendants Jorge and Ricardo. Restitution is due  
8 immediately and payable at a rate of \$25 per quarter while in  
9 custody and at the rate of 10 percent of gross income per  
10 month while on supervised release.

11                  I also impose five years of supervised release, with  
12 the following special conditions: You must comply with the  
13 order of restitution; you shall make full financial disclosure  
14 to the probation officer; you must comply with the sex  
15 offender registration requirements mandated by law.

16                  Counsel, does your client have a drug treatment  
17 problem?

18                  MR. LIND: I don't think so, Judge.

19                  THE COURT: The Probation Department is recommending  
20 that your client participate in a drug treatment program. I  
21 don't recall that there is a drug problem, so I'm not going to  
22 impose that condition; but certainly, if it turns out that  
23 there is the Probation Department can require that he  
24 participate in some sort of program.

25                  Mr. Victor Estrada-Tepal, you shall not possess a

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1 firearm, ammunition or destructive device, and if you are  
2 deported you may not reenter the United States illegally. I  
3 am not imposing a fine. I find that you are not able to pay  
4 one. I do impose a \$200 special assessment.

5 Going back to Jorge, I don't recall whether or not I  
6 stated that I'm not imposing a fine, but I want to put on the  
7 record that I'm not imposing a fine as to him either. I find  
8 that you are not capable of paying a fine, but I am imposing a  
9 \$200 special assessment.

10 Do you have a question, Mr. Perlmutter?

11 MR. PERLMUTTER: Judge, it was noted in the PSR that  
12 my client has --

13 THE COURT: An alcohol problem.

14 MR. PERLMUTTER: -- a serious problem with alcohol,  
15 and I would ask that there be a recommendation that he be  
16 admitted to the BOP residential drug treatment program, the  
17 RDAP program, if they deem him to be appropriate for that. I  
18 don't know if they will, because of his immigration status.  
19 But if it's at all possible, I would like him to be considered  
20 for that.

21 THE COURT: Well, I'll recommend that he receive  
22 treatment for his alcohol problem, whichever way they deem  
23 appropriate for him to obtain that treatment. I don't know  
24 what would be the best program. They will have to make that  
25 determination while he's incarcerated, but I will make that

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1 recommendation.

2 MR. PERLMUTTER: Also, Your Honor, I request that a  
3 recommendation be made, to the extent possible, that the  
4 brothers be housed either in the same facility or as near --  
5 in the same facility, because they're going to be incarcerated  
6 for such an extended period of time.

7 THE COURT: Because otherwise, they can't see each  
8 other.

9 MR. PERLMUTTER: Exactly.

10 THE COURT: I'll make that recommendation as to both  
11 Victor Estrada-Tepal and Jorge Estrada-Tepal, whose sentences  
12 I've now imposed, that they be housed in the same facility if  
13 at all possible, so that they have the opportunity to  
14 communicate with each other in some fashion.

15 Turning now to Ricardo Estrada-Tepal, I believe I  
16 had the most difficult time with determining what is an  
17 appropriate sentence for you, Ricardo.

18 I took into account similar factors to what I took  
19 into account with regard to your brothers, your background,  
20 the circumstances under which you were raised, the fact that  
21 your father was an alcoholic, that life was challenging for  
22 all of you in Mexico. But, again, I had to weigh that against  
23 the seriousness of the crime here.

24 And as to you, we're talking about Jane Does #2 and  
25 3. And Jane Doe #2 wrote a letter to the Court explaining the

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1 psychological effects that your activity still has on her to  
2 this day. So I had to take that into account also.

3                   But in balancing all the factors here, I ultimately  
4 concluded that a guideline sentence is appropriate, and I'm  
5 sentencing you to 180 months in custody. I find that it is  
6 sufficient but not greater than necessary to comply with the  
7 purpose of sentencing, that it reflects the seriousness of the  
8 crime here.

9                   I took into account that one of the victims here is  
10 your wife, as you pointed out, and the other is someone else.  
11 But, as I mentioned, Jane Doe #2's letter, the letter from  
12 Jane Doe #2 explaining the effects and the fact that she's  
13 still trying to put her life together and the fact that even  
14 when she was very sick she was still forced to engage in this  
15 conduct, and even after she was taken to the hospital and she  
16 was given medication that she wasn't even provided with that  
17 medication, all because the defendants were more concerned  
18 about earning money than the welfare of Jane Doe #2.

19                   So, in assessing all the factors, I conclude that a  
20 sentence of 180 months in custody on each count to run  
21 concurrently is an appropriate sentence. I also impose  
22 restitution in the amount of \$1,033,336, which is imposed  
23 jointly and severally with Jorge and Victor.

24                   The restitution amount, as I indicated earlier and  
25 I'll state again for the record, as to each defendant includes

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1 864,000 to Jane Doe #1, \$5,275 to Jane Doe #2, \$13,261 to Jane  
2 Doe #3, and \$150,800 to Jane Doe #5.

3 Restitution is due immediately and payable at a rate  
4 of \$25 per quarter while in custody and at a rate of 10  
5 percent of gross income per month while on supervised release.

6 I also impose five years of supervised release with  
7 the following special conditions: You shall comply with the  
8 order of restitution; you must make full financial disclosure  
9 to the probation officer; you must comply with the sex  
10 offender registration requirements that are mandated by the  
11 law; you shall not possess a firearm, ammunition or  
12 destructive device; and if deported, you may not reenter the  
13 United States illegally.

14 I do not impose a fine. I find that you are not  
15 capable of paying a fine. I do impose a special assessment of  
16 \$200.

17 And Mr. Ricardo Estrada-Tepal, I did also take into  
18 account that while you and all your brothers are uneducated  
19 that you are even more so, having only spent two days in  
20 school. I took that into account.

21 The sentences imposed as to Jorge Estrada-Tepal and  
22 Victor Estrada-Tepal are at the low end of the guidelines as I  
23 determined them to be. And as for Ricardo Estrada-Tepal, it  
24 is within the guideline range.

25 Each of you can appeal your conviction if you

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1 believe somehow that your guilty plea was unlawful or  
2 involuntary or if there is some other fundamental defect in  
3 the proceedings that was not waived by your guilty plea.

4 Under some circumstances, a defendant has a right to  
5 appeal his or her sentence. A defendant also has the right to  
6 waive that as part of their plea agreement, and I believe that  
7 each of you entered into a plea agreement which waives your  
8 right to appeal your sentence. While such waivers are  
9 generally enforceable, if you believe the waiver is not valid  
10 you can present that theory to the appellate court.

11 Any notice of appeal must be filed within 14 days of  
12 the filing of the judgment, the judgment will be filed today,  
13 or within 14 days of the filing of a notice of appeal by the  
14 government. If any of you request, the Clerk of the Court can  
15 file a notice of appeal on your behalf. If you cannot afford  
16 to pay the cost of an appeal or pay for appellate counsel, you  
17 have the right to apply for leave to appeal in forma pauperis,  
18 which means you can apply to have the Court waive the filing  
19 fees. On appeal, you can also ask for Court-appointed  
20 counsel.

21 Are there open counts that the government seeks to  
22 dismiss at this time?

23 MS. MERKL: Yes, Your Honor. The government would  
24 seek to dismiss all counts as to which the defendants have not  
25 pled guilty.

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1                   THE COURT: I dismiss the open counts as well as the  
2 underlying indictments.

3                   Is there anything else that we need to resolve as to  
4 Mr. Ricardo Estrada-Tepal?

5                   I also suggest that you be housed at a facility with  
6 your brothers so that all three of you will have the  
7 opportunity to communicate with each other.

8                   Is there anything else from anyone?

9                   MR. WALLENSTEIN: Judge, with respect to Ricardo,  
10 there is an appellate waiver in his plea agreement at 180  
11 months, so I believe that at this point he has waived his  
12 right to appeal. However, if he contacts me within the next  
13 14 days, I will file a notice on his behalf if he so requests.

14                   THE COURT: Okay. Thank you, Counsel. Is there  
15 anything else?

16                   Mr. Jorge, Ricardo and Victor Estrada-Tepal, I wish  
17 you all the best of luck. I hope that to the extent you can  
18 you will take advantage of any opportunities while you're  
19 incarcerated to improve your circumstances, whether it's  
20 getting your GED, your college degree, learning to write or to  
21 speak, whether it's Spanish or English.

22                   You should take advantage of all that's offered so  
23 that when you are released you will be able to provide for  
24 your families. And I do hope that you get the opportunity to  
25 interact with your families, whether it's now while you're

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1 incarcerated or after, and that you go on to be productive  
2 members of society. Only you can determine that, but I would  
3 urge you to take advantage of any opportunity to better  
4 yourselves. Okay? Good luck.

5 MS. MERKL: Thank you, Your Honor.

6 (Whereupon, the proceedings were adjourned.)

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1                   I certify that the foregoing is a correct  
2 transcript from the record of proceedings in the  
3 above-entitled matter.

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5                   /s/ Sherry Bryant  
6 Sherry Bryant, RMR, CRR  
Official Court Reporter

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